

ELBERT MULBROW §
v. § CIVIL ACTION NO. 5:15cv180
BOB PAGE, ET AL. §

The Plaintiff Elbert Muldrow, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights in the Bowie County Correctional Center. This Court referred the case to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Plaintiff complained on October 21, 2015, he received a letter from federal court which had been torn open. A mailroom employee named Hooks told him “not to start no mess” and finished opening the letter with her pen. Plaintiff refused to accept the letter until Hooks called a supervisor but Hooks refused to do so, instead leaving the letter on the bars and walking away. Plaintiff stated he has had this problem before and also has difficulty getting his grievances to the grievance officers and receiving answers to his requests. He also filed a supplemental complaint which is identical to one he filed in another lawsuit, civil action no. 5:15cv167.

After review of the pleadings, the Magistrate Judge issued a Report recommending the lawsuit be dismissed. The Magistrate Judge stated opening of legal mail outside of a prisoner's presence is not a constitutional claim and inmates lack a constitutionally protected liberty interest

in jail grievance procedures. The Magistrate Judge further recommended the claims in the supplemental complaint be adjudicated in Plaintiff's earlier-filed case.

Plaintiff filed objections to the Report styled as a "notice of appeal" (docket no. 9). He states he does not agree with the recommendation on the ground of favoritism and because he does not have proper legal knowledge and advice. Plaintiff does not address any of the proposed findings or conclusions in the Report.

III. Conclusion


The Court has conducted a careful *de novo* review of those portions of the Magistrate Judge's proposed findings and recommendations to which objection was made. *See* 28 U.S.C. §636(b)(1) (District Judge shall "make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.") Upon such *de novo* review, the Court has determined the Report of the Magistrate Judge is correct and the Plaintiff's objections are without merit. It is accordingly

ORDERED the Plaintiff's objections are overruled and the Report of the Magistrate Judge (docket no. 7) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED the above-styled civil action is **DISMISSED** as frivolous and for failure to state a claim upon which relief may be granted with prejudice for purposes of proceeding *in forma pauperis*. Such dismissal shall not affect the Plaintiff's right to pursue his claims, including those raised in his supplemental complaint, in cause no. 5:15cv167. It is further

ORDERED that any and all motions which may be pending in this action are hereby **DENIED**.

SIGNED this 6th day of June, 2016.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE